



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
LAMONT COTTON)

Case No. 3:11-cr-00012-11
Senior Judge Wiseman

**MOTION OF DEFENDANT LAMONT COTTON
FOR SEVERANCE OF DEFENDANTS AND INCORPORATED
MEMORANDUM OF LAW**

COMES NOW the Defendant, **Lamont Cotton**, by and through his undersigned counsel, and pursuant to Federal Rules of Criminal Procedure 8(a)&(b), 12(b) and 14, hereby respectfully moves the Court for an Order severing Mr. Cotton (11) from all of the remaining defendants (1-10; 12-28) charged in the indictment. (Docket Entry 202).

Background

The indictment charges 28 individuals with conspiracy to distribute and posses with intent to distribute: (1) “500 grams or more of . . . [powder] cocaine;” and, “280 grams or more of . . . cocaine base [crack].” *Id.* The indictment then descends to substantive counts presumably mirroring the two stated objects of the conspiracy: defendants 3, 18, 19 & 20 are charged in Count Two with possessing with intent to distribute crack cocaine; Mr. Porter is charged by himself in Count Three with possessing with intent to distribute crack cocaine; defendant 28 is charged in Count Four with operating a drug house; Mr. Cotton is charged by himself in Count Five with possessing with intent to distribute *powder cocaine*; ¹ and, defendant 7 is charged in Count Six with possessing with intent

¹ Count Five charges Mr. Cotton with possession with intent to distribute approximately 4.5 ounces of powder cocaine seized from a Charter Communications work van parked on his premises